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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,491	01/23/2004	Robert S. Burns	MILA.36091	7011

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,491

Applicant(s)

BURNS, ROBERT S.

Examiner

Brenda A. Lamb

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-76 and 78-79 is/are allowed.
- 6) ☒ Claim(s) 1,11,37-40,48 and 77 is/are rejected.
- 7) ☒ Claim(s) 2-10,12-36,41-47 and 49-53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Smrt.

Smrt teaches the design of a method and apparatus for concurrently applying to a substrate a plurality of substantially parallel strips of a fluid, the apparatus comprising: a carrier having motive supports (18,19) for transporting the carrier along a path of travel over the substrate (carrier including elements 20-22), a plurality of cradles 40 mounted to the carrier and arranged in a line transversely of the path of travel of the carrier over the substrate, each cradle being adapted to hold a canister from which adhesive is discharged, a discharging mechanism mounted on the carrier and adapted, when a driving force is applied, to concurrently discharge the adhesive from the plurality of canisters in the cradles (see column 4 line 63 to column 5 line 57 and column 6 line 29 to column 7 line 40), and an actuating mechanism which includes triggering lever 64 mounted on the carrier for selectively providing a driving force to the discharging mechanism. With respect to claim 11, Smrt teaches his apparatus includes a force-

resisting device, spring 66, connected to the discharging mechanism for providing a resisting force to the driving force selectively provided by the actuating mechanism to the discharging mechanism, the magnitude of the resisting force being less than the magnitude of the driving force.

Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Easton et al in view of Smrt.

Smrt is applied for the reasons noted above. Smrt fails his apparatus is used for applying a plurality of parallel strips of an adhesive onto the substrate. However, Eaton et al teaches a method for concurrently applying a plurality of parallel strips of adhesive to a substrate using an applicator which includes a carrier having motive supports (wheels) for transporting the applicator across the surface of the substrate. However, it would have been obvious to use the Smrt applicator to perform the Eaton et al process of applying parallel strips of adhesive for the taught advantage of the Smrt applicator – enabling one to apply concurrently apply stripes of different materials.

Claims 37-40 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “the plungers” at line 2 of claim 37 and claim 40 lacks proper antecedent basis. Claim 38 and 48 are confusing since it is unclear how “a pair of plungers” set forth at line 2 of the respective claims relates to “the plungers in the canisters” recited in claim 37 (which claim 38 depends) and in claim 40 (which claim 48 depends).

Claims 54-76 and 78-79 are allowed.

The prior art fails to teach or suggest an apparatus for concurrently applying to a substrate a plurality of parallel strips of an adhesive, the apparatus comprising:

a carrier having a forward end and a rearward end and including a base and wheels rotatably mounted to the base for transporting the apparatus over the substrate along a path of travel with the forward end leading the rearward end;

a mounting structure attached to the base;

a rack of cradles attached to the mounting structure, the rack of cradles being arranged on the mounting structure in a line transversely of the path of travel of the apparatus, each of the cradles in the rack of cradles being adapted to hold a canister of the adhesive;

a pressure bar movably mounted on the mounting structure, the pressure bar being located toward the rearward end of the carrier in relation to the rack of cradles and extending substantially parallel to and located essentially in the same plane as the rack of cradles;

a plurality of plungers, each plunger having a plunger rod with opposed ends and a plunger head, one of the opposed ends of each plunger rod being secured to the pressure bar so that the plunger rod extends substantially perpendicularly from the pressure bar toward the rack of cradles, the other of the opposed ends of each plunger rod being attached to a plunger head, the plungers being of sufficient length and arranged on the pressure bar so that the plunger head of at least one plunger is positioned within each cradle in the rack of cradles for

discharging an adhesive from the canisters in each cradle;

and an actuating mechanism mounted on the mounting structure for selectively forcing the pressure bar, together with the plungers, toward the rack of cradles whereby the plungers concurrently discharge adhesive from the canisters in the cradles.

The prior art fails to teach or suggest an apparatus for concurrently applying to a substrate a plurality of substantially parallel strips of an adhesive, the apparatus comprising:

a carrier having motive supports for transporting the carrier along a path of travel over the substrate;

a rack mounted on the carrier for holding one or more canisters of an adhesive;

an actuating mechanism mounted on the carrier for selectively developing a driving force; and

at least one respective plunger adapted to fit within each of the one or more canisters, the at least one respective plunger being connected to the actuating mechanism for the displacement of the at least one respective plunger within each canister upon the application of the driving force from the actuating mechanism to the at least one respective plunger, whereby the adhesive from the one or more canisters is displaced from the one or more canisters to the substrate as a plurality of substantially parallel strips of the adhesive.

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Claims 37-40 and 48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 2-10, 12-36, 41-47 and 49-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

A handwritten signature in cursive script, appearing to read "Brenda A. Lamb".

Brenda A Lamb
Examiner
Art Unit 1734